

DISTRICT II ADVISORY BOARD

Minutes – May 6, 2002

The District II Advisory Board meeting was held at 7:00 p.m. at the Rockwell Branch Library, 5939 E. 9th Street North.

Members Present

Vice Mayor Joe Pisciotte
David Babich
Kevin Bright*
Martha Bruce Fair
Michele Chauncey
Charlotte Foster
Larry Frutiger
John Fuller
Shirley Jefferson
Mike Jones
Mike Pompeo
Kathy Wegner

Members Absent

Tim Goodpasture
Joe Johnson*

City of Wichita Staff

Paul Gunzelman, Public Works
Cathy Holdeman, CMO
Scott Knebel, MAPD
Donte Martin, CMO

Guests

Don Allison
Harold Allen
Thelma Alan
Delores Craig
Sherri Holdeman
Tracy Holdeman
Bob Loveland
Jerry Milam
Max Weddle
Lonny G. Wright

Council Member Joe Pisciotte called the meeting to order at 7:00 p.m.

Michele Chauncey (Foster) moved the agenda be approved as submitted. The motion passed (8-0).

Michele Chauncey (Foster) moved the minutes of the March 18, 2002 be approved as submitted. The motion passed (8-0).

No items were submitted for the unfinished business agenda.

PUBLIC AGENDA

Delores Craig, Prairie Travelers, requested to speak concerning the bike trails in Wichita. **Craig** stated the City has been a part of a Federal Grant program that would financially assist with the completion of the City's bike paths. This federal program reportedly has provided the City of Wichita with \$480,000 designated for congestion mitigation and improving air quality. **Craig** would like this money to be used to acquire and maintain bike trails in the railroad corridor being vacated by BNSF. **Craig** also stated that the grant was an eighty/twenty - matching grant, where the City would have been responsible for identifying twenty percent of the project's funding.

Craig closed her remarks by stating that she would like to see the City Council devote dollars, line-by-line, for the City's parks; the money would assist in completing the bike path from K96 to Grove Park.

NEW BUSINESS

1. Alternative Correctional Housing

Cathy Holdeman, City Manager's Office, presented information regarding the licensing ordinance regulating Alternative Correctional Housing (ACH) facilities to the District II Advisory Board.

The Wichita community has recognized that parolees are returning to the community creating issues relating to public safety, housing, employment and community services. Of recent concern is the parolees returning to Wichita that have a sex offense. Kansas Department of Corrections statistics indicate that 22 percent of the prison population has a sex offense as the most serious conviction offense. The Department of Corrections operates a Wichita Sex Offender Unit to supervise parolees with a sex offense (approximately 20 percent of the Sedgwick County parolees are sex offenders).

The City of Wichita has passed several ordinances regulating facilities housing (Alternative Correctional Housing) or providing day services (Day Reporting Centers) to parolees. The ordinances limit the location of such facilities through zoning and also require that such facilities are at least 1200 feet from: an existing facility; day care centers or facilities; public parks or playgrounds; private businesses that primarily serve children and/or youth under the age of 18; public or private preschools, elementary, middle and high schools; residences or agencies that provide on-site services to persons suffering from developmental, physical or mental disabilities; taverns or drinking establishments; adult entertainment establishments; and residential zoning districts. Additionally, the ordinance regulating Alternative

Correctional Housing facilities (ACH) prevents such facilities from housing sex offenders as of May 18, 2002 if they do not meet the spacing requirements.

In Wichita, primarily three ACH facilities house sex offenders: Mirror Inc (Toben Street); Mirror Inc (Pattie Street); and the Dodge House. None of these facilities meet the spacing requirements and absent an ordinance change, sex offenders will no longer be able to reside at these facilities in May 2002. Residents and businesses located near these facilities have raised questions with respect to the safety of family and business clients. Mirror Inc.'s facility on Toben Street has been of particular concern to two neighboring businesses that provide gymnastic classes to young children.

The City Council has asked the Alternative Correctional Housing Board to consider amendments to the licensing ordinance regulating such facilities. Of specific concern is the issue of how to address facilities that house sex offenders. Three Alternative Correctional Housing (ACH) facilities that house sex offenders exist in Wichita: Mirror Inc. (Toben Street); Mirror Inc. (Pattie Street); and, the Dodge House. None of these facilities meet the minimum distance separation requirements from residential zoning/uses or businesses primarily serving children, and without an ordinance change, sex offenders will not be able to reside in these facilities. (Sex offenders were to be removed from these facilities by May 2002; however, at the March 19, 2002 City Council meeting the deadline was extended by ninety (90) days).

The Alternative Correctional Housing Board has met to discuss alternatives for addressing this issue. The Board is supporting grandfathering existing facilities with conditions.

This alternative would grandfather existing facilities, but place conditions on the facilities to improve security to neighboring residents and businesses. Those conditions could include the following:

- Facilities could be required to implement a security plan that could be approved by the Wichita Police Department, and the KDOC if the facility has a contract with KDOC. The plan could include such elements as:
 - Proper lighting
 - Environmental design (e.g. addresses entrances, exits, locks, windows, shrubbery, the facility's exterior, dimly lit spaces etc. with respect to safety)
 - Check in and check out procedures
 - Enforcement of curfews
 - Resident identification
 - On-site management 24 hours/day
 - A policy/practice to provide treatment plans and conditions of probation to law enforcement for assistance with security
- Facility operators could commit to work with the Wichita Police Department to engage neighbors in community education and dialogue relating to personnel safety. Education and training programs could include:
 - Neighborhood Watch
 - Neighborhood Patrol
 - Home and business security

- Personal safety tailored to the audience (seniors, children, women, etc.)
 - Business safety programs such as robbery prevention and shoplifting prevention
 - Operation Identification (a program to record and maintain records of property)
- Policing efforts (community policing and beat patrol) could increase in neighborhoods with facilities that house sex offenders. Activities by officers could include:
 - Continued communication with facility managers
 - Periodic visits by officers to the facilities and to the surrounding businesses
 - Review of the list of offenders and the conditions of parole, treatment and other conditions
 - Serve as a liaison between the community and the facilities
 - Address neighborhood associations and other groups on safety issues
- The number of offenders at each location could be limited to average daily number of offenders housed at the facility or a percentage of the facility's total population.
- KDOC could disclose to the neighborhood (residents and businesses) the type of offenders and the plan of action for supervision (if not already required by law). If a facility does not have a contract with KDOC and houses sex offenders the facility owner/operator would be responsible for disclosure of the type of offenders and the supervision plan.
- Neighborhood businesses could be informed of the sex offender population (type of offense) and a training and education would be available on request.

This option has the advantage of engaging the entire community. The problem of re-integration of offenders depends upon residents, facility managers, neighboring businesses, local government, and other agencies working together to manage the re-entry process. It depends upon a strong public awareness program of the risks of living next to this type of offender and actions that can be taken to limit those risks.

DAB II provided the following comments in response to the various proposed options to amend the licensing ordinance:

- Grandfathering would only be acceptable if conditions were added to address community concerns.
- Affected neighborhood and businesses should be included in the development of this ordinance.
- Conditions added to grandfathering option viewed as being soft and should be made more stringent.
- Willowbend HOA would like the current ordinance to be enforced without delay.
- Mirror Inc. needs to improve methods of accounting for clients when outside the facility (electronic monitoring/global positioning).
- Concern was expressed with the State of Kansas Sex Offender Act that requires self-registration as opposed to requiring ACH facilities to register offenders.
- Concern was expressed with access to the Toben facility.
- Concern was expressed with the current auditing schedule. ACH facilities should be audited more frequently. Annual audits were not deemed sufficient.

- Concern was expressed with the location of the Toben facility. The facility is viewed as being isolated and not well-lighted
- Expressed need for increased security at these facilities.
- A time limit was suggested for ACH facilities to become compliant with any changes in the ordinance.

Action taken: provided comments.

TRAFFIC AGENDA

2. Sight Obstruction near Gilbert and Marcilene

Paul Gunzelman, Associate Traffic Engineer, presented this appeal of an order to remove a sight obstruction near the intersection of Gilbert and Marcilene.

Sherri Holdeman contacted Traffic Engineering to request a stop sign be emplaced near her home. Ms. Holdeman has safety concerns due to the number and speed of vehicles traveling this corridor. Ms. Holdeman was informed that a sight obstruction triangulation study would be conducted to determine whether there are any objects that could potentially block the view of traffickers in this area.

Gunzelman completed the study and determined that shrubs, trees, and a picket fence located within sight triangle may create a sight obstruction. Pursuant to ordinance Traffic Engineering ordered the property owner: 1) trim down shrubs that encroach the sight obstruction triangle to 33 inches above the street gutter level or remove the shrubs; and 2) remove fence pickets to provide a ratio of one picket to four open spaces between each picket.

Tracy Holdeman, 700 S. Marcilene, appealed the Traffic Engineer's removal order and requests that a 4-way stop be installed at this intersection. Holdeman is concerned with the safety of this intersection due to speeding traffickers and parked cars blocking sight lines.

Holdeman stated the cars parked along this corridor along with speeding traffickers contribute to making this intersection dangerous. Holdeman feels stop signs would improve safety in this area. Holdeman also presented photographs showing the fence and shrubbery located within his yard.

Gunzelman stated that a stop sign is not warranted at this location. Emplacing a stop sign would create a false sense of security, as increased speed on Gilbert would result from stopping traffic on Marcilene.

David Babich stated the fence does not appear to be a problem but the trees could be trimmed.

Kathy Wegner has driven the area and is concerned with traffic in this area. Wegner stated the pear tree limits visibility.

The DAB members voted unanimously 9-0, Babich (Frutiger), to recommended the property owner: 1) trim down shrubs that encroach the sight obstruction triangle to 33 inches above the street gutter level or removal of the shrubs; and 2) trim all trees that encroach the sight obstruction triangle. The DAB does not recommend the installation of stop signs or the removal of fence pickets.

Action Taken: DAB II recommends the removal of shrubs and the trimming of trees located within the sight triangle. DAB II does not recommend the removal of fence pickets or the installation of stop signs.

PLANNING AGENDA

4. CUP 2002-00008

On Monday, May 6, 2002, the *District Advisory Board (DAB) for Council District II* considered a request to amend Parcel 2 of the Chelsea Station CUP (DP-62) to increase the maximum height of building signs and to decrease the minimum spacing between ground-mounted signs.

Scott Knebel, MAPD, described the request and responded to questions. Mr. Knebel presented the MAPD staff report for this case explained that MAPD staff recommends denial of the amendment.

Kirk Miller, agent for the applicant, presented the building design for a Dick's Sporting Goods to be located at this location. The prototypical Dick's Sporting Goods design includes a 42ft. building sign.

Miller stated the monument sign located near Rock Road was grandfathered and therefore not in compliance with the current sign code. The applicant would like to replace this sign with a more attractive sign but would be required to meet the current sign code that calls for minimum 150 ft. spacing.

Miller stated the current Best Buy sign near this location is 43ft. in height and not in compliance with the sign code. Miller added there haven't been any complaints with this sign and MAPD was previously unaware of the sign code violation. Miller added that the building is 470 ft. from Rock Road and a 42ft. sign at 470ft. is equivalent in appearance to an 8ft. sign at 100ft.

Miller said the applicant is willing to waive the right to a third building sign in exchange for the two requested signs.

David Babich stated the sign code takes into account those visibility factors. Babich added that when Dick's previously applied for a variance the argument was a need for increased visibility due to location and that there are no extenuating circumstances in this case. Dick's has changed the sign height of their building signs to meet the code requirements in other communities.

Mike Pompeo asked what was being done to bring Best Buy into compliance and that allowing these signs at the requested height would not create any blight on Rock Road.

Knebel replied that Best Buy has been cited for being in violation. Best Buy needs to apply for amendment of the CUP in order to maintain their current sign.

Don Allison, 7124 E. Rockhill, stated an exception should not be made in this case and that he opposes this request. Allison feels those desiring to do business in the City of Wichita should be good neighbors and comply with the code.

Bob Loveland, 2204 Bromfield Circle, expressed concerns with trash blowing from these businesses onto adjacent properties.

The DAB members voted 8-2, Jones (Babich) to recommended denial of a CUP amendment to allow an increase to the maximum height of building signs.

The DAB members voted unanimously 10-0, Babich (Pompeo) to recommend approval of a CUP amendment to allow a decrease in the minimum spacing requirement between ground-mounted signs.

Action Taken: DAB II recommended denial of the amendment to allow a change in maximum sign height. DAB II recommended approval of an amendment to decrease the minimum sign spacing requirements.

With no further business the meeting adjourned at 10:00.

Respectfully submitted,

Donte Martin
Neighborhood Assistant
District II

